

REMARKS

Status of the Claims

Claims 1, 26-29, 48-60 and 63-82 are pending in the application.

Response

Applicants submitted a Request for Continued Examination (RCE) in this case on 23 July 2004. The items submitted to the Office on 23 July 2004 were: the RCE request form; a Request for Extension of Time; a Transmittal Fee Sheet; the fee for the RCE (37 C.F.R. §1.17(e)) and the fee for the extension of time (37 C.F.R. §§1.136 and 1.17); and a Submission (a Response to the Office Action dated 23 February 2004). Accordingly, applicants' RCE submission was complete and proper pursuant to the requirements of 37 C.F.R. §1.114.

In the 23 July 2004 Submission that accompanied applicants' RCE application, applicants presented claim amendments whereby certain claims were cancelled (claims 61 and 62), certain claims were amended (claims 1, 26-28, 48, 50, and 53-59), and certain new claims were added (claims 67-82). Applicants further provided 10 pages of remarks including a complete traversal to all of the issues raised in the 23 February 2004 Office Action.

On 27 September 2004, the Office mailed an Office Action that states on the Office Action Summary sheet that it is responsive to applicants' RCE submission of 23 July 2004. The subject Office Action purports to reject all pending claims after entry of applicants' 23 July 2004 Submission. However, on applicants' inspection of the attached Detailed Action, it appears that the Office has instead examined a previous set of claims that were pending in the application and examined previously in an Office Action dated 23 February 2004.

Accordingly, the Office has not yet properly considered applicants' RCE application, and applicants thus respectfully repeat their Request for Continued Examination under 37 C.F.R. §1.114. Specifically, applicants respectfully request that

the Office now considers applicants' 23 July 2004 Submission and examines the claims as currently pending and as amended by that Submission, and further that the Office then provides either an immediate allowance of all claims, or a new non-final Action on the merits of the case pursuant to 37 C.F.R. §§1.114 and 1.104. Applicants' representative, the undersigned, has attempted to contact the Office to inquire after the proper status of the application, but these calls have not been successful in reaching the examiner.

For the sake of completeness in this instant Response, applicants respond to the issues raised in the current (27 September 2004) Detailed Action as follows.

On page 2 of the current Detailed Action, under the heading "Response to Amendment", the Office has withdrawn the rejection of claims 1 and 26-48 under 37 U.S.C. §112, first paragraph. However, this rejection was withdrawn in the 23 February 2004 Office Action (see page 2 of that previous Action). Confirmation of which rejection is now being withdrawn is respectfully requested.

On page 2 of the current Detailed Action, under the heading "Drawings", the Office has objected to the drawings under 37 C.F.R. §1.83(a) as failing to show every feature of the invention specified in the claims, specifically referring to elements of claim 60, 61 and 62. However, claims 61 and 62 were cancelled in applicants' 23 July 2004 Submission. In addition, applicants have traversed the objection to claim 60 in their 23 July 2004 Submission. Applicants' thus again request consideration of their traversal of the objection to claim 60, and withdrawal of the objection.

On page 2 of the current Detailed Action, under the heading "Claim Objections", the Office has objected to claim 61 as informal. However, claim 61 was cancelled in applicants' 23 July 2004 Submission.

On page 3 of the current Detailed Action, under the heading "Claim Rejections – 35 USC §112", the Office has indicated claims 50 and 60-62 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. However, claims 61 and 62 were cancelled in applicants' 23 July 2004 Submission. In addition, claim 50 was amended in applicants' 23 July 2004 Submission to remove the language objected to by the Office, and, as pointed out in applicants' 23 July 2004

Submission, no specific basis for the rejection of claim 60 has been provided.

Accordingly, applicants again request consideration of their traversal of the rejection of claim 60, and withdrawal of the rejection.

On pages 3-6 of the current Detailed Action, under the heading "Claim Rejections – 35 USC §103", the Office has indicated that claims 1, 26-29, 48-53 and 63-66 are rejected under 35 U.S.C. §103(a) as unpatentable over International Publication WO 97/38698 to Manning et al. ("Manning"); claims 50-52 are rejected under 35 U.S.C. §103(a) as unpatentable over Manning in view of U.S. Patent No. 4,472,394 to Peterson ("Peterson"); and claims 54-59 are rejected under 35 U.S.C. §103(a) as unpatentable over Manning. However, applicants provided detailed traversal of these rejections in their 23 July 2004 Submission, pointing out that the rejections are improper for various reasons (see pages 12-17 of applicants' 23 July 2004 Submission). Accordingly, applicants again request consideration of their traversal of the rejection of claims 1, 26-29, 48-53, and 63-66, and withdrawal of the subject rejections.

There are no rejections of, or objections to claims 67-82 provided in the current Detailed Action. Accordingly, applicants assume that claims 67-82 are in proper condition for allowance. Clarification of the status of claims 67-82 is thus respectfully requested.

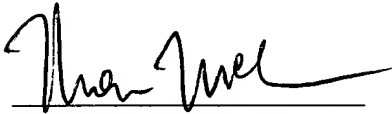
CONCLUSION

Applicants submit that the pending claims define an invention that is both novel and nonobvious over the cited art, and thus all claims are in condition for allowance. Acknowledgement of this by the Office in the form of an early allowance is thus respectfully requested. In addition, if the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, applicants invite the Examiner to contact the undersigned at (408) 777-4915.

The appropriate fee is attached or authorized. If the Commissioner determines that an additional fee is necessary, the Commissioner is hereby authorized to charge any

additional fees associated with this communication or credit any overpayment to Deposit
Account No. **50-1953**.

Respectfully submitted,



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Date: 28 March 2005

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